



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,572	09/25/2003	Tetsuya Sawano	06-49-0416P	5629
2292 7590 02/02/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2427				
NOTIFICATION DATE		DELIVERY MODE		
02/02/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/669,572

Applicant(s)

SAWANO, TETSUYA

Examiner

ALAN LUONG

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Art unit is changed into 2427.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov 25, 2008, has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1, 5 and 7-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,178,159 B1 issued to Atsushi Ando et al. (hereinafter Ando); in view of US Patent 6,300,959 B1 issued to Jeffrey R. Gabler et al. (hereinafter Gabler) and

further in view of US Patent 6,499,057 B1 issued to Micheal J. Portuesi (hereinafter Portuesi)

Regarding to claim 1: FIG. 1 of Ando represents "an image sending apparatus "[101], FIG. 3 of Ando represents "an animation image set up_unit" [104] which "creates purpose an animation image file" using coding technique for high quality still image data (**Ando, Fig. 3, col.10 lines 30-39**) and FIG. 1 of Ando represents "a sending_device" [101] receives a still image data from [110] in [109] through communication path [112] between network interfaces [116a] and [116b] the still image data are reproduced in desired format by [102] under [105]; these still image data are converted into displayable format at [103] and are coded at [104] before" sends the animation image file" to Terminal [106] (**Ando, Fig. 1, col.6 line15-col. 7 line 51**).

Finally, the image sending apparatus as defined in claim 1, referring fig. 12 and 13, Ando also discloses further comprising **a communication device [101] capable of two-way communication with a portable terminal [106]** (upon receipt of the direction signal sent from [106], the relay control unit [1201 of Fig. 12] inside control apparatus [105] controls relaying apparatus [101] to transmit the encoded data from content provider [109] through communication path [111] to terminal [106])(**Ando, col. 3 lines 32-55 and Fig. 13, col. 20 line50-col. 21 line 17**)

However, Ando fails to discloses an extraction unit which extracts N pieces of static image from the specified movie file based on a reproduction range which specifies the reproduction range of the specified movie file; and an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image;

In an analogous art directed toward a similar problem namely improving the results from an extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction range and a format of an animation image file. Fig. 2 of Gabler illustrates "an animation image file of animation GIF format"[GIF89a] (Gabler, Fig. 2, col. 5 lines 1-12). Moreover, Fig. 3 of Gabler also represents "an extraction unit [300] which extracts N pieces of static image from the specified movie file" when the extraction unit determines that the GIF data stream that has been received is an animated GIF data stream. (Gabler, Fig. 3, col. 5 lines 13-18 and 35-61). Further, Fig. 5 of Gabler shows "based on a reproduction range of the specified movie file", a GIF data stream 500 that has been reduced. The GIF data stream 500 represents a reduced version of the GIF data stream 200 illustrated in FIG. 2 by [300].(Gabler, Fig. 5, col. 7 line 31-col. 8 line 40). Finally, after reducing size of the specified movie file; [500] is stored in [610] before transmits to browser [604] by "a reproduction range specifying unit" [602] based on user request. (Gabler, Fig. 6, col. 8 line 41- col. 9 line 43). Accordingly, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify the image sending apparatus of Ando with an animation GIF format and reducing size of the animation GIF stream as taught by Gabler, not only to reduces image storage space but also accelerates the delivery of these animated images to end users.

However, Neither Ando nor Gabler discloses "a specifying movie_unit which causes a desired movie file to be specified"

In an analogous art directed toward a similar problem namely improving the results from a desired movie file to be specified; Fig. 1 of Portuesi illustrates "a device [4] which" includes movie playback application [10] coupled to data storage device 6 and operable to read movie file [8], interpret movie file [8] including the embedded URLs "causes a desired movie file to be specified as movie file format "[8] as shown in Fig. 2; (Fig. 2, also see col.4 line 62 to col. 6 line 5).

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify the image sending apparatus with animation GIF format of Ando and Gabler with the specified movie file as taught by Portuesi; in order to reproduce the content of received image and be able to playback on another portable device.

Regarding to claim 5: A sending method has the same limitation of the apparatus of claim 1. So, claim 5 is anticipated by Ando, Gabler and Portuesi references and rejected the same ground as claim 1. (See discussion in Claim 1)

Regarding to claim 7: Ando, Gabler and Portuesi teach all limitations of the image sending apparatus of claim 1, Fig. 2 of Portuesi illustrates "a movie files [8] include a number of tracks which provide audio [16], image [18] and an associated URL track [20] of a movie expressed in a time-based format. The URL track 20 is associated with image track 18 and includes a plurality of URLs 26 that are associated with a sequence of images 24. A movie playback application 10 interprets audio track 16, image track 18 and associated URL

track 20 in order to build the video and audio supplied to display 12 and speaker 13, the Image track 18 similarly provides information about images 24 that are to be displayed **at particular points in time**". (Portuesi, col. 5 lines 11-37) and referring to Fig. 3, Portuesi also teaches "Hypertext link 32 is displayed and is active is within display window 28 only for a specific period of time as **specifying a reproduction time** during playback of image track 18 as **the desired movie file**. After passing the last image 24 with which URL 26 is associated, hypertext link 32 is no longer displayed in display window 28". (Portuesi, col. 6 lines 17-22) meets the limitation of "wherein **the reproduction range specifying unit [10] specifies (by URL) the reproduction range of the specified movie file [8] by specifying a reproduction time of the specified movie file ([24] of movie file [8])**".

Regarding to claim 8: Ando, Gabler and Portuesi teach all limitations of the image sending apparatus of claim 1, Fig. 3 of Portuesi shows "an embedded URL during playback of movie file 8 is used by movie playback application 10 as **the reproduction range specifying unit** to display video 31 defined by image track 18. At the appropriate time, movie playback application 10 displays a hypertext link 32 defined by associated URL track 20 **at a starting point**. Hypertext link 32 is displayed and is active is within display window 28 only for a specific period of time during playback of image track 18. After passing the last image 24 with which URL 26 is associated as **ending point of the specified movie file**, hypertext link 32 is no longer displayed in display window 28".

(Portuesi, **col. 6 lines 6-22**) meets the limitation of “wherein **the reproduction range specifying unit [10] specifies the reproduction range of the specified movie file [8] by specifying a starting point and ending point of the specified movie file [i.e. image 24 with which URL 26 is associated]**”.

Regarding to claim 9: Ando, Gabler and Portuesi teach all limitations of the image sending method in claim 5. Claim 9 merely repeats the limitations of claim 7, so claim 9 is rejected on the same ground as claim 7.

Regarding to claim 10: Ando, Gabler and Portuesi teach all limitations of the image sending method in claim 5. Claim 10 merely repeats the limitations of claim 8, so claim 10 is rejected on the same ground as claim 8.

Regarding to claim 11: Ando, Gabler and Portuesi teach all limitations of the image sending apparatus of claim 1, Fig. 3 of Gabler illustrates the steps of animated image reduction processing 300 as **the reproduction range specifying unit divides the specified reproduction range of the specified movie file (i.e. as animated GIF data stream) into plural range groups** (comment blocks and other unimportant blocks are removed at step 308 from the animated GIF data stream and certain of the image blocks within the GIF data stream are also removed at step 310) **per predetermined time** (Gabler, **col. 8 lines 27-40**) and Fig.5 of Gabler is exemplary GIF data stream 500 as **creates animated image files of animated GIF format or MNG format for each divided range group** (The removal of the comment blocks and other unimportant blocks as well as the removal of the certain of the image blocks both assist in the reduction of the size of the animated GIF data stream the remaining image blocks are

also modified at step 312. The modifying of the control blocks operates to improve the view ability of the animated GIF image so that the distortion caused by the removal 310 of certain of the image blocks does not destroy the essential character of the animated GIF data stream. (Gabler, **col. 5 lines 35-61 and col. 7 line 31 to col. 8 line 26**).

Regarding to claim 12: Ando, Gabler and Portuesi teach all limitations of the image sending method in claim 5. Claim 12 merely repeats the limitations of claim 11, so claim 10 is rejected on the same ground as claim 11.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 5, 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant respectfully notes : Gabler does not suggests the requirement for "a reproduction range specifying unit which specifies a reproduction range of the specified movie file" that must be present for the claimed "extraction unit" to extract "N pieces of static image from the specified movie file based on the reproduction range," (Remark, page 5). Applicant also respectfully notes: Ando and Gabler also both fail to specify the claimed reproduction range and Gabler simply randomly removes GIF animated blocks that are the least likely to destroy the essential character of the existing animated GIF data to reduce the size of the GIF data. (Remark, page 7)

Examiner respectfully disagrees in response: Gabler explicitly discloses GIF data stream as **a specific movie file or static images or animated image** (Gabler, col. 5 lines 13-18), as used within the specification, (see para. 0005), and Fig. 3 of Gabler

clearly shows extraction unit [300] operation," comment blocks and other unimportant blocks are removed 308 from the animated GIF data stream. Next, certain of the image blocks within the GIF data stream are removed 310. Preferably, the certain of the image blocks to be removed are determined in accordance with selection criteria. The removal 308 of the comment blocks and other unimportant blocks as well as the removal 310 of the certain of the image blocks both assist in the reduction of the size of the animated GIF data stream. The control blocks of the remaining image blocks are also modified 312. The modifying of the control blocks operates to **improve the viewability** of the animated GIF image so that the distortion caused by the removal 310 of certain of the image blocks **does not destroy** the essential character of the animated GIF data stream"(col. 5 lines 35-51) meets the limitation of "a reproduction range specifying unit which specifies a reproduction range of the specified movie file" that must be present for the claimed "extraction unit" to extract "N pieces of static image from the specified movie file based on the reproduction range," Examiner understood the reproduction range as "improve the viewability of the animated GIF image so that the distortion caused by the removal 310 of certain of the image blocks does NOT destroy the essential character of the animated GIF data stream".

It is respectfully submitted that a prima facie case of obviousness has in fact been established and the rejection should be sustained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427